

SIXTY-SIXTH DAY

(Wednesday, May 5, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Heflin
Adkins	Herzik
Alexander	Holland
Alsup	Hoskins
Amos	Howard
Baker	Huddleston
Bates	Hull
Beckworth	Hyder
Bell	Jackson
Blankenship	James
Boethel	Johnson of Ellis
Bond	Johnson
Boyer	of Tarrant
Bradbury	Jones of Angelina
Bradford	Jones of Atascosa
Bridgers	Jones of Falls
Broadfoot	Jones of Wise
Brown	Keefe
Burton	Keith
Cagle	Kelt
Callan	Kenyon
Carsow	Kern
Cathey	King
Cauthorn	Knetsch
Celaya	Langdon
Cleveland	Lankford
Colquitt	Lanning
Davis of Haskell	Leath
Davis of Jasper	Leonard
Davison of Fisher	Leyendecker
Davison	Little
of Eastland	Loggins
Dean	London
Deglandon	Lucas
Dickison	Mann
Dollins	Mauritz
England	Mays
Farmer	McConnell
Felty	McCracken
Fielden	McDonald
Fox	McFarland
Fuchs	McKee
Gibson	McKinney
Graves	Metcalfe
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Hardin	Morse
Harbin	Nicholson
Harper	Newton
Harris of Archer	Oliver
Harris of Dallas	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	

Patterson	Skaggs
of Travis	Smith of Hopkins
Petsch	Smith
Pope	of Matagorda
Powell	Smith of Tarrant
Prescott	Stevenson
Quinn	Stinson
Reader	Stocks
Reed of Bowie	Talbert
Reed of Dallas	Tarwater
Rhodes	Tennant
Riddle	Tennyson
Roark	Thornton
Ross	Vale
Russell	Waggoner
Rutta	Walker
Schuenemann	Weldon
Settle	Westbrook
Sewell	Winfree
Sharpe	Wood
Shell	Worley
Simpson	

Absent—Excused

Derden	Ragsdale
Harrell	Thornberry

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Thornberry for this morning, on motion of Mr. Jones of Wise.

Mr. Ragsdale for today, on account of important State business, on motion of Mr. Shell.

Mr. Harrell for today, on account of important State business, on motion of Mr. Bradford.

Mr. Derden for today, on account of important State business, on motion of Mr. Bradford.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Tarwater:

H. B. No. 1163, A bill to be entitled "An Act validating the transfer of territory proceedings detaching territory from the Center Plains Common School District No. 4, and the Science Hill Common School District No. 8, both of Hale County, Texas, and attaching same to the Cotton Center Independent School District of

Hale County, Texas, including petitions, hearings, orders, notices, elections, orders declaring results of elections, assumption of indebtedness, and ratifying changes made by the County Board of School Trustees of Hale County, Texas, in the Cotton Center Independent School District of Hale County, Texas; redefining boundaries of said Cotton Center Independent School District of Hale County, Texas; providing that the trustees of said Cotton Center Independent School District shall proceed to levy and collect sufficient taxes for maintenance purposes and to provide a sinking fund for paying the interest on the outstanding indebtedness of the new Cotton Center Independent School District of Hale County, Texas."

Referred to the Committee on Education.

Mr. Sharpe moved to introduce, at this time, and have placed on first reading, House Bill, No. 1164.

The motion prevailed by the following vote:

Yeas—127

Alexander	Hanna
Alsup	Harbin
Amos	Hardin
Baker	Harper
Bates	Harris of Archer
Beckworth	Harris of Dallas
Bell	Harris of Dickens
Blankenship	Hartzog
Boethel	Heflin
Bond	Holland
Boyer	Hoskins
Bradbury	Howard
Bradford	Hull
Broadfoot	Hyder
Brown	James
Burton	Johnson of Ellis
Cagle	Johnson
Callan	of Tarrant
Cathey	Jones of Angelina
Cauthorn	Jones of Atascosa
Celaya	Jones of Falls
Cleveland	Jones of Wise
Davis of Haskell	Keefe
Davis of Jasper	Keith
Deglandon	Kelt
Dickison	Kenyon
England	King
Farmer	Knetsch
Felty	Langdon
Fielden	Lankford
Fox	Lanning
Gibson	Leath
Hamilton	Leonard
Hankamer	Leyendecker

Little	Rhodes
Loggins	Riddle
London	Roark
Lucas	Ross
Mann	Russell
Mauritz	Rutta
Mays	Schuenemann
McConnell	Settle
McDonald	Sewell
McKee	Sharpe
McKinney	Shell
Moffett	Simpson
Monkhouse	Skaggs
Morris	Smith
Morse	of Matagorda
Newton	Stevenson
Nicholson	Stocks
Oliver	Talbert
Palmer	Tennant
Patterson of Mills	Tennyson
Patterson	Thornberry
of Travis	Thornton
Petsch	Vale
Powell	Walker
Prescott	Weldon
Quinn	Winfree
Reed of Bowie	Wood
Reed of Dallas	Worley

Absent

Adkins	Jackson
Bridgers	Kern
Carssow	McCracken
Colquitt	McFarland
Davison of Fisher	Metcalfe
Davisson	Pope
of Eastland	Reader
Dean	Smith of Hopkins
Dollins	Smith of Tarrant
Fuchs	Stinson
Graves	Tarwater
Herzik	Waggoner
Huddleston	Westbrook

Absent—Excused

Derden	Ragsdale
Harrell	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Sharpe:

H. B. No. 1164, A bill to be entitled "An Act validating, ratifying, approving and confirming bonds and other instruments or obligation heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, navigation districts, road districts, school districts, counties, cities, or incor-

porated towns of this State for public works projects, ratifying and validating the establishment and creation of such districts, cities and towns, and declaring an emergency."

Referred to the Committee on State Affairs.

TO PROVIDE FOR USE OF HIGHWAY EQUIPMENT

Mr. Skaggs offered the following resolution:

H. C. R. No. 119, Concerning use of certain highway equipment.

Whereas, The State Highway Department possesses certain graders, tractors and other equipment needful and necessary in the process of making such ditches to carry the water along side of certain roads; and

Whereas, The citizens of Red River County have certain roads that are in fairly good condition but are being badly washed away due to the lack of drainage; and

Whereas, Said County equipment is in such a run-down condition that the work cannot be carried on with them; and

Whereas, These roads are a public necessity being used by the traveling public as well as the citizens of Red River County and Red River County is willing and desirous of providing such drainage but needs equipment now owned by the State Highway Department; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the Texas Highway Department be and the same is hereby authorized and requested to loan such equipment as it now has available to Red River County for the purpose and use of draining and repairing of certain roads, it being understood that such equipment shall remain in the custody of the Commissioners Court of Red River County for the purpose and use of draining and repairing certain roads in Red River County, Texas, only so long as needed for the drainage and repair of these roads and that no burden of any kind shall be placed on the State Highway Department by reason of such loan.

The resolution was read second time, and was adopted.

TO PROVIDE ADDITIONAL STATE OFFICE SPACE

Mr. Cathey offered the following resolution:

H. C. R. No. 120, Providing for additional office space.

Whereas, In some leading papers of the State they are publishing itemized statements of the amount of money being paid out by the State for rents of different buildings in Austin; and

Whereas, This rent money amounts to more than \$50,000.00 per annum; and

Whereas, A committee was appointed, by the Speaker of the House, to investigate the vacant space in the Confederate Home and that said committee did investigate, according to its duties, and made its report back to the House; and

Whereas, Said investigation showed that there is plenty of vacant space in said Confederate Home to house every Department of State in the city of Austin; and

Whereas, Said Confederate Home is located only a short distance from the main part of town and that it is located in a beautiful place, right on the street car line with plenty of parking room and that such space is of good substantial buildings and would only require very little touching up in the way of sanitation; and

Whereas, The General Fund, together with nearly all other funds, is in the red and that a large part of this rent money is taken from the Old Age Assistance fund thereby diminishing and depleting this fund and necessitating the dropping from the pension rolls many deserving old people; and

Whereas, This amount of \$50,000.00 or more would take care of many hundreds of old people; and

Whereas, This House together with the Senate has always stood for economy and saving of the taxpayers money; and

Whereas, The Board of Control has only contracted for this space up to the latter part of 1937; now, therefore, be it

Resolved by this House and the Senate concurring, That the Board of Control be asked and instructed to use this vacant space for office buildings and thereby saving the taxpayers a vast amount of money.

CATHEY,
SETTLE,
TENNANT,
JOHNSON of Ellis.

The resolution was read second time, and was adopted.

TO PROVIDE FOR THE CONSIDERATION OF CERTAIN BILLS

Mr. Reed of Bowie offered the following resolution:

Whereas, There is now pending on the Calendar, of major importance, many bills which have not been considered; and

Whereas, Unless some definite time is set aside for same, these bills will not be considered; now, therefore, be it

Resolved by the House of Representatives, That the House convene on Wednesday, May 5, at 7:30 o'clock p. m., for the purpose of considering the following bills: House Bill No. 3, relative to Old Age Assistance, and House Bill No. 482, concerning delinquent taxes.

The resolution was read second time.

Mr. Lucas offered the following amendment to the resolution:

Amend the resolution, by adding after the figures "482" the following: "and all bills designed to make appropriations to care for public school buildings and/or fixtures which have recently been destroyed by disastrous fires and other ravages of the elements."

LUCAS,
WORLEY.

Mr. Petsch raised a point of order, on further consideration of the resolution, on the ground that concurrent action of both Houses is necessary to set the bills for consideration.

The Speaker overruled the point of order.

Question recurring on the amendment by Mr. Lucas and Mr. Worley, it was adopted.

Mr. Bradbury offered the following amendment to the resolution:

Amend the resolution, by including House Bill No. 1151.

BRADBURY,
FIELDEN.

The amendment was adopted.

Mr. Jones of Wise offered the following amendment to the resolution:

Amend the resolution, by adding House Bill No. 664.

Mr. Mays moved to table the amendment by Mr. Jones of Wise.

The motion to table was lost.

Mr. Reed of Bowie moved the previous question on the pending amend-

ment and the resolution, and the motion was not seconded.

Mr. Wood moved to table the resolution offered by Mr. Reed of Bowie.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Alexander	Leath
Alsup	Leyendecker
Baker	Little
Blankenship	London
Boethel	Mann
Bond	McCracken
Bradford	McFarland
Bridgers	McKee
Burton	McKinney
Cagle	Morris
Callan	Morse
Carssow	Newton
Cauthorn	Nicholson
Dean	Patterson of Mills
Deglandon	Patterson
Dickison	of Travis
Felty	Petsch
Fox	Powell
Gibson	Riddle
Graves	Rutta
Hankamer	Settle
Harris of Archer	Skaggs
Hartzog	Smith
Heflin	of Matagorda
Herzik	Smith of Tarrant
Holland	Stevenson
Howard	Stinson
Hyder	Stocks
Jackson	Talbert
Johnson of Ellis	Tarwater
Keith	Tennyson
Kelt	Thornton
Kenyon	Vale
King	Waggoner
Knetsch	Walker
Lankford	Winfree
Lanning	Wood

Nays—62

Adkins	Davisson
Amos	of Eastland
Bates	Dollins
Beckworth	England
Bell	Farmer
Boyer	Fielden
Bradbury	Hamilton
Broadfoot	Hanna
Brown	Harbin
Cathey	Hardin
Cleveland	Harper
Davis of Haskell	Harris of Dallas
Davis of Jasper	Harris of Dickens

Hoskins	Oliver
Huddleston	Palmer
Hull	Prescott
James	Quinn
Johnson	Reed of Bowie
of Tarrant	Reed of Dallas
Jones of Angelina	Rhodes
Jones of Atascosa	Roark
Jones of Falls	Ross
Jones of Wise	Russell
Kern	Schuenemann
Langdon	Sharpe
Loggins	Shell
Lucas	Simpson
Mauritz	Smith of Hopkins
McConnell	Tennant
McDonald	Weldon
Moffett	Westbrook
Monkhouse	Worley

Absent

Celaya	Mays
Colquitt	Metcalfe
Davison of Fisher	Pope
Fuchs	Reader
Keefe	Sewell
Leonard	

Absent—Excused

Derden	Ragsdale
Harrell	Thornberry

TO PROVIDE FOR PURCHASE
OF RAY'S SESSION LAWS

Mr. Alsop offered the following resolution:

Whereas, The Members of this House are in constant need of copies of all laws passed at this session, in order to intelligently answer correspondence coming to them daily from their constituents, and the official laws will not be available for use for several months, the contract for the publication of which has not yet been let by the State; and

Whereas, Worth S. Ray, publisher of Ray's Advance Session Laws has already published all laws and concurrent and joint resolutions signed by the Governor up to April 24th, in two volumes, the first of which has been presented complimentary to Members of the House some time ago and Volume No. 2 now being ready for delivery, and still another volume will be made available before sine die adjournment, as well as immediately following adjournment, and when the Governor has acted on all bills passed; now, therefore, be it

Resolved, as it has been a long established custom by the House, That the House subscribe for 150

copies of each volume of Ray's Advance Laws, one for each Member of the House, at the special reduced price of 75c per copy, to be paid Mr. Ray out of the Contingent Fund of the House, on delivery of said Laws.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has failed to pass to engrossment by a vote of: Yeas, 12; Nays, 17, the following bill:

S. B. No. 45, A bill to be entitled "An Act providing a school census code for the State of Texas, and declaring an emergency."

Adopted the conference report on House Bill No. 650 by the following vote: Yeas, 28; Nays, 0.

Has passed

H. B. No. 51, A bill to be entitled "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

H. B. No. 970, A bill to be entitled "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature, 1933, being an Act creating the office of County Purchasing Agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; providing for the appointment of such agent, prescribing his duties and fixing his compensation; . . . etc., and declaring an emergency."

H. B. No. 984, A bill to be entitled "An Act providing for a closed season for the killing, taking or possessing of squirrel in the County of Wharton, Texas, during the months of January, February, and March of each year; providing a penalty for the violation of the provisions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

H. B. No. 1034, A bill to be entitled "An Act conferring authority on

State Parks Board to acquire for use as a public park a tract of land situated on Padre Island, prescribing the terms and conditions under which such purchase can be made; . . . etc., and declaring an emergency." (With amendments.)

H. B. No. 1035, A bill to be entitled "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; . . . etc., and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 260.

The following have been appointed on the part of the Senate:

Senators Newton, Van Zandt, Holbrook, Moore and Westerfeld.

Respectfully,

BOB BARKER,

Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 838, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas and making appropriations therefor, and declaring an emergency." (With committee substitute and amendments.)

S. B. No. 232, A bill to be entitled "An Act to amend Article 498, Chapter 8, Title 16 of the Revised Civil Statutes of Texas, 1925, relating to fidelity bonds of certain officers and employees of State Banking Institutions; providing that fidelity insurance policies carried by any bank may be accepted in lieu of such bond

or bonds; repealing laws in conflict therewith, and declaring an emergency."

S. B. No. 233, A bill to be entitled "An Act amending Section 22 of Senate Bill No. 111, Chapter 61, and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act to amend Section 8, of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, and all amendments thereof with respect to bonds of officers; providing that such bonds may not be required where the corporation carries fidelity insurance as to such officers or employees; repealing laws in conflict therewith, and declaring an emergency."

S. B. No. 361, A bill to be entitled "An Act prohibiting Assistant Attorneys General from accepting employment in civil suits to which the State of Texas is a party for a period of two years after discontinuing their service with the State, and declaring an emergency."

S. B. No. 491, A bill to be entitled "An Act limiting the amount of money to be assessed against candidates for Congress in districts composed of one county, and declaring an emergency."

S. B. No. 502, A bill to be entitled "An Act to amend Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature, amending Article 704, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

RELATIVE TO HOUSE BILL NO. 58

Mr. Hankamer offered the following resolution:

Whereas, The oath of office prescribed for Members of the Legislature in Section 1 of Article 16 of the Constitution of Texas, in part, provides: "I do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . . , according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; . . ."; and

Whereas, Section 26 of Article 1 of the Constitution of this State, in part, provides: "Perpetuities and

monopolies are contrary to the genius of a free government, and shall never be allowed, . . ."; and

Whereas, H. B. No. 58 has been finally passed by the House and sent to the Senate of Texas for consideration; and

Whereas, H. B. No. 58, known as "The Fair Trade Act", repeals the anti-trust laws of the State of Texas, thereby creating and legalizing monopolies in direct conflict with Section 26 of Article 1 of the Constitution of this State, which provides that such monopolies shall never exist in this State; and

Whereas, Further, through the passage of House Bill No. 58, the State, through its purchasing agency, the State Board of Control, would be required to use much more of the tax payers' money in purchasing supplies and equipment for use in the various State supported institutions, under the provision requiring that all merchants be required to sell merchandise at the price stipulated by their vendors, such situation thereby eliminating competitive bidding in the purchase by the State of such supplies and equipment, rendering it impossible for the State's purchasing agency to live within its budget without possibly being required to purchase such necessary supplies and equipment from merchants residing without the limits of the State of Texas; and

Whereas, The passage of said bill will manifestly result in the automatic and arbitrary raise of prices to all retail purchasers, and in casting a severe burden upon the consumers of the State wholly unjustifiable by any present business conditions; now, therefore, be it

Resolved by the House of Representatives, That the Senate be requested to return said House Bill No. 58 to the House of Representatives for further consideration of said bill, and for the purpose of considering the correction of the provisions thereof, which make possible the existence of the hereinabove mentioned conditions.

HANKAMER,
PETSCH,
JOHNSON of Tarrant,
BURTON,
KNETSCH,
GIBSON,
TENNANT,
BROWN,

JONES of Atascosa,
HARRIS of Archer,
STEVENSON,
WINFREE,
MAYS.

The resolution was read second time.

Mr. Keith moved to table the resolution by Mr. Hankamer.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—73

Adkins	Kenyon
Amos	King
Baker	Langdon
Bell	Lankford
Blankenship	Lanning
Bradbury	Leyendecker
Bridgers	Loggins
Cathey	London
Cauthorn	Lucas
Davis of Haskell	Mann
Davisson	McConnell
of Eastland	McDonald
Dean	McFarland
Dickison	McKee
Dollins	Metcalfe
Farmer	Monkhouse
Felty	Morris
Fox	Nicholson
Hamilton	Palmer
Hanna	Reader
Hardin	Reed of Bowie
Harper	Rhodes
Harris of Dallas	Roark
Hartzog	Russell
Heflin	Rutta
Herzik	Schuenemann
Holland	Sewell
Howard	Smith of Hopkins
Huddleston	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
James	Stocks
Johnson of Ellis	Tarwater
Jones of Angelina	Thornton
Jones of Falls	Vale
Keefe	Waggoner
Keith	Weldon
Kelt	Wood

Nays—42

Alexander	Cagle
Alsup	Callan
Beckworth	Cleveland
Bradford	Davis of Jasper
Broadfoot	Deglandon
Brown	Fielden
Burton	Hankamer

Harbin	Patterson
Harris of Archer	of Travis
Johnson	Petsch
of Tarrant	Powell
Jones of Atascosa	Prescott
Jones of Wise	Riddle
Kern	Ross
Knetsch	Simpson
Mauritz	Skaggs
Mays	Stevenson
McKinney	Stinson
Newton	Tennant
Oliver	Tennyson
Patterson of Mills	Walker
	Winfree

Absent

Bates	Leath
Boethel	Leonard
Bond	Little
Boyer	McCracken
Carssow	Moffett
Celaya	Morse
Colquitt	Pope
Davison of Fisher	Quinn
England	Reed of Dallas
Fuchs	Settle
Gibson	Sharpe
Graves	Shell
Harris of Dickens	Talbert
Hoskins	Westbrook
Jackson	Worley

Absent—Excused

Derden	Ragsdale
Harrell	Thornberry

REASON FOR VOTE

I voted against the resolution for, among others, the following reasons:

1. The assertion that House Bill No. 58 repeals the anti-trust laws is not tenable in view of the decision in *Joseph Triner Corporation vs. McNeil*, 363 Ill. 559, 2 N. E. (2d) 929, wherein the Court, in considering this same contention, said:

"The statute clearly does not even tend to legalize trusts or monopolies. It does tend to prohibit trusts and monopolies."

2. It is charged that the Act is such a price-fixing measure as will result in higher prices to the consumer. That it is not such an Act is amply illustrated by the unanimous opinion of the Supreme Court of the United States in its further consideration of the *McNeil Case*, supra. It was there said:

"It is clear that this Section does not attempt to fix prices, nor does it

delegate such power to private persons. It permits the designated private persons to contract with respect thereto. It contains no element of compulsion but simply legalizes their acts, leaving them free to enter into the authorized contract or not as they may see fit."

3. It is alleged that the effect of the Act will be a general increase in consumer prices, but the experience of other states points to the contrary conclusion. In California, for example, where this type of legislation was started, the facts disclose a general reduction of approximately 6% in consumer prices.

4. House Bill No. 58 will not affect competitive bidding on State supplies, because Section 2 expressly says:

"This Act shall not apply to any contract or agreement between the producers or between wholesalers or between retailers, as to sale or resale prices."

5. The underlying principle of House Bill No. 58 is that the "fair and open competition" between so-called trade-marked commodities will necessarily keep alive competition between manufacturers, which, in turn, will force prices to reasonable and low levels. This theory has proved sound in the 38 other states which have enacted similar laws.

KEEFE.

(Mr. Wood in the Chair.)

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read, the following message from the Governor:

Austin, Texas, May 4, 1937.

To the Members of the Forty-fifth Legislature:

After serious consideration of House Bill No. 67, received by me on April 23, 1937, I regret I am unwilling to approve it. While I am definitely of the opinion that there is probably a public demand and need for legislation that will clearly define the right and authority to merchants and shippers to transport their property in good faith over the public highways of this State, yet I cannot approve the present bill because it goes farther than this. It goes beyond the purposes for which it was originally intended. It goes beyond remedying the conditions with which

it originally sought to deal; this largely by virtue of certain amendments to the bill. My reasons for this veto are as follows:

1.

Section B.—(2) reads:

"Provided, however, that a bona fide employee, agent or consignee of a single principal, who owns his own motor vehicle, or motor vehicles, and who is legally and exclusively engaged in the distribution of the products of said single principal, from an established place of business, shall be entitled to a Private Commercial Carrier permit under the provisions of this Act by complying with the other provisions of this Act."

This Section unquestionably creates a new class of contract carrier. It is so broad in its terms that it will practically permit large concerns to put back on all highways of this State, unregulated and unrestricted, thousands of trucks. In my judgment, it affords the opportunity and the result may follow for the hectic conditions which prompted the passage of the motor carrier laws.

For instance, under this bill it would be possible for a large oil field tank concern, or a large oil field equipment concern, to employ innumerable agents who could transport these tanks or equipment over any highways without any of the regulations imposed by Chapter 277. Acts of the Regular Session of the Forty-second Legislature. It would be possible for a cotton concern with headquarters on the coast to buy cotton in north and west Texas, transport it without being subjected to regulations in the same fashion and to the same extent formerly experienced in this State. This would be extremely hazardous to life and property and destructive of our highways.

The basis upon which the original motor carrier act was sustained in the United States Supreme Court was that in the exercise of police power, to protect its highways from wear and tear, and to protect the public from loss of life and property, the State had a right to so regulate carriers for hire. This bill would set up and create another class of carrier not subject to the regulations imposed upon common carriers under the motor carrier act.

This would present a most serious legal question. In my judgment it

might result in striking down the motor carrier act it seeks to amend. This for the reason that the courts will not tolerate the exemption from prosecution on burdens imposed under a law or one class without a reasonable basis therefor. While I desire to achieve the ends originally intended by the Legislature, and to bring some measure of assurance to merchants and others whom the Legislature originally intended to help, I am not willing to impair the validity of our motor carrier laws by subscribing to this loosely drawn legislation. I much prefer that it be worked out by a better bill on the subject at this, or some later, session of the Legislature.

Under this Section the "consignee" of a single principal is entitled to a Private Commercial Carrier permit. This right to be extended to a consignee is not limited to the character of consignment contract to which the privilege is likewise extended under Section B—(1) of the bill. That section reads:

"Provided further that possession of property under a bona fide consignment contract shall for the purpose of this Act be deemed ownership, if such consignment is incidental to the regular established business of the consignee."

As pointed out, the privilege extended in Section B-(2) is to a consignee of a single principal without any restrictions; and I fear that under this provision it will be possible for a contract carrier now subject to the regulations imposed under Chapter 277 to simply slightly change his mode of business and carry on upon a large scale the same business without being subjected to these restrictions.

2.

It will be noted that this "bona fide consignment contract" section does not require that to constitute ownership the consignment should be for the purpose of resale of consigned goods in the due and regular order of business. Without this limitation it will be possible for our highways to be plagued with peddlers of every kind and character and description. This I do not believe either the people or the businessmen of Texas want.

3.

Section B, paragraph 5, exempts in the operation of the Act "any per-

son transporting milk or cream from the farm where produced to a creamery or cheese factory in any such motor vehicle owned by any such person." It will be noted that this does not restrict the right of transporting milk or cream to the owner of such milk or cream. It would be possible under this provision for a contract carrier to engage in the business of transporting milk and cream from the farm in his own motor vehicle without owning or buying, or selling, such commodities.

4.

Section C, paragraph 2, reads:

"The filing of an application as herein provided, and payment of the fee herein stipulated, shall, as of right, entitle the applicant to a permit, and it shall thereupon be the duty of the Commission, without further requirement, to grant a permit to the applicant."

I think that the Railroad Commission of Texas should be given some discretionary authority in regard to the issuance of "Private Commercial Carrier" permits. By this I mean they should not be required to issue a permit simply because certain verified statements are made, but should issue same when in the Commission's opinion the facts set out are true and the application shows upon its face that the applicant is entitled to such "Private Commercial Carrier" permit.

5.

I am advised by the Department of Public Safety that this bill under the provisions of Section E (1) would deprive the Driver's License Division of approximately two-thirds (2/3) of the revenue now accruing to it, leaving an insufficient amount to properly carry on the work of this Division as required by law, and making it absolutely impossible for the Department to pay the five (5c) cents fee to the tax collectors of the various counties for the issuance of licenses in the year 1939, for which purpose approximately \$150,000 will be required.

Section 3, paragraph c of the Driver's license law (Senate Bill No. 15, Chapter 466, page 1785, Second Called Session of the Forty-fourth Legislature) provides in brief that "drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are

required to have a driver's license issued by that Department shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicle." House Bill No. 67, Section E (1) stipulates that "each driver of a motor vehicle operating under any permit granted under the terms of this Act shall have a driver's license which shall be issued by the (Railroad) Commission." This bill provides that this Railroad Commission chauffeur's fee shall be \$1.00, whereas the Driver's License Division is now collecting a \$3.00 fee from such persons.

It appears very plainly that chauffeurs employed under a "Private Commercial Carrier" permit under the provisions of House Bill No. 67 would thus be relieved from the payment of the chauffeur's license fee now collected by the Driver's License Division from such persons.

In this connection, I would point out that the annual income of the Driver's License Division amounts to approximately \$235,000.00, and is derived almost entirely from chauffeur's license receipts. I am informed that House Bill No. 67 would withdraw approximately two-thirds (2/3) of the present revenue from the Division, leaving an annual income of approximately only \$80,000.00. I would advise you further that the Appropriations Bill now before the Senate appropriates to the Driver's License Division from the Operator's and Chauffeur's License Fund \$250,-368.00 for the fiscal year ending August 31, 1938, and \$382,868.00 for the fiscal year ending August 31, 1939. I am informed that the House Appropriations Committee will include substantially the same figures in its Appropriations Bill.

Should the present Legislature finally pass the Driver's License Law amendments which are now on the Senate calendar, having passed the House, the Driver's License Division would be absolutely unable to enforce the amended law with such a curtailment in revenue as would result from the enactment of House Bill No. 67. Indeed, the present work of the Division would be practically nullified.

There are, according to figures furnished by the Highway Department, approximately 184,000 commercial motor vehicle licenses which

have been issued to date for 1937. I am informed that but approximately 4,000 of these are now operating under the jurisdiction of the Railroad Commission. The difference between the two figures represents approximately 180,000 trucks, of which, it seems reasonable to assume, that one-half (1/2) or 90,000 will come under the provisions of House Bill No. 67, being trucks that operate outside of city limits between two or more incorporated towns using the State highways.

Under the provisions of the bill, the operators of these trucks would pay to the Railroad Commission \$2.00 per truck for separate and additional license plates, and a \$1.00 chauffeur's license fee for each truck making a total of \$3.00 per truck, and a grand total of \$270,000.00.

In addition, the bill provides that each concern qualifying as a "Private Commercial Carrier" shall pay to the Commission a "filing fee" of \$5.00. Assuming that these 90,000 trucks will average two trucks to the owner, we would have 45,000 owners paying a filing fee of \$5.00 each, or a total of \$225,000.00, and a grand total of \$495,000.00 revenue to the Railroad Commission under this Act.

Section i, House Bill No. 67 appropriates this entire sum to the "Motor Carrier Fund" of the Railroad Commission for the purpose of carrying out the provisions of the Act. I am unwilling to thus cripple the Driver's License Bureau of the Public Safety Department at whose hands we expect so much in the matter of safety during the next two years.

For all of the foregoing reasons, I am respectfully disapproving and vetoing House Bill No. 67, and returning same to the House of Representatives, in which it originated.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

CONSIDERATION OF VETO OF HOUSE BILL NO. 67

Mr. Knetsch called up for consideration, at this time,

H. B. No. 67, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second

Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term, 'compensation and hire' shall not include vehicles transporting goods owned by the owner of such vehicle."

The bill having been received from the Governor with his veto of same.

Mr. Knetsch moved that House Bill No. 67 be passed notwithstanding the objections of the Governor.

Mr. Harris of Dallas moved a call of the House for the purpose of maintaining a quorum pending consideration of House Bill No. 67, and the call was duly ordered.

Mr. Harris of Dallas moved that the Sergeant-at-Arms be instructed to bring in all absent Members within the city who are not ill.

The motion prevailed.

(Speaker in the Chair.)

Mr. Mays moved the previous question on the motion by Mr. Knetsch, and the main question was ordered.

Question—Shall the motion by Mr. Knetsch, that House Bill No. 67 be passed notwithstanding the Governor's objection, prevail?

The motion prevailed by the following vote:

Yeas—108

Adkins	Dean
Alexander	Deglandon
Alsup	Dickison
Amos	Farmer
Baker	Felty
Bates	Fielden
Beckworth	Fox
Bell	Gibson
Blankenship	Hankamer
Boethel	Hanna
Boyer	Harbin
Bradbury	Hardin
Bradford	Harper
Bridgers	Harris of Archer
Brown	Harris of Dallas
Burton	Hartzog
Callan	Heflin
Carssow	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Celaya	Hull
Cleveland	Hyder
Colquitt	Jackson
Davis of Haskell	James

Johnson of Tarrant	Patterson of Mills
Jones of Angelina	Patterson of Travis
Jones of Wise	Powell
Keith	Reed of Bowie
Kelt	Reed of Dallas
Kenyon	Rhodes
King	Riddle
Knetsch	Roark
Lankford	Ross
Lanning	Schuenemann
Leath	Settle
Leonard	Sharpe
Little	Shell
Loggins	Simpson
London	Skaggs
Lucas	Smith of Hopkins
Mann	Smith of Tarrant
Mauritz	Stevenson
Mays	Stinson
McConnell	Talbert
McCracken	Tarwater
McDonald	Tennant
McFarland	Tennyson
McKee	Thornton
McKinney	Vale
Monkhouse	Waggoner
Morse	Walker
Newton	Weldon
Nicholson	Winfree
Oliver	Worley

Nays—33

Bond	Keefe
Broadfoot	Langdon
Cagle	Leyendecker
Davis of Jasper	Metcalfe
Davison of Fisher	Morris
Davison of Eastland	Palmer
Dollins	Petsch
England	Prescott
Fuchs	Quinn
Graves	Reader
Hamilton	Russell
Harris of Dickens	Rutta
Holland	Sewell
Johnson of Ellis	Stocks
Jones of Atascosa	Thornberry
Jones of Falls	Westbrook
	Wood

Absent

Herzik	Pope
Kern	Smith
Moffett	of Matagorda

Absent—Excused

Derden	Ragsdale
Harrell	

REASON FOR VOTE

My reasons for voting to over-ride the Governor's veto are that my con-

stituents are in need of immediate relief to carry on their business. I think the Governor's observations on some of the amendments are well taken and I reluctantly do this realizing the imperfection of the bill.

CLEVELAND.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1057

The Speaker announced the appointment of the following conference committee, on the part of the House, on House Bill No. 1057:

Messrs. Smith of Hopkins, England, Callan, Hyder and Westbrook.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 232, to the Committee on Banks and Banking.

Senate Bill No. 233, to the Committee on Banks and Banking.

Senate Bill No. 234, to the Committee on Banks and Banking.

Senate Bill No. 361, to the Committee on Judiciary.

Senate Bill No. 491, to the Committee on Privileges, Suffrage and Elections.

Senate Bill No. 502, to the Committee on Privileges, Suffrage and Elections.

HOUSE BILL ON FIRST READING

Mr. Knetsch moved to introduce, at this time, and have placed on first reading, House Bill No. 1165.

The motion prevailed by the following vote:

Yeas—118

Alexander	Cagle
Alsup	Callan
Amos	Cathey
Baker	Cauthorn
Bates	Cleveland
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davison
Boethel	of Eastland
Bond	Dean
Boyer	Deglandon
Bradbury	England
Bradford	Farmer
Burton	Fielden

Fox	McKee
Fuchs	McKinney
Gibson	Moffett
Hamilton	Monkhouse
Hankamer	Morris
Hanna	Morse
Harbin	Newton
Hardin	Nicholson
Harper	Oliver
Harris of Dallas	Palmer
Harris of Dickens	Patterson of Mills
Hartzog	Patterson
Heflin	of Travis
Holland	Powell
Hoskins	Prescott
Howard	Quinn
Huddleston	Rhodes
Hull	Riddle
Hyder	Ross
James	Russell
Johnson of Ellis	Rutta
Johnson	Schuenemann
of Tarrant	Settle
Jones of Angelina	Sewell
Jones of Wise	Sharpe
Keefe	Shell
Keith	Simpson
Kelt	Skaggs
Kenyon	Smith of Hopkins
King	Smith
Knetsch	of Matagorda
Langdon	Smith of Tarrant
Lankford	Stevenson
Lanning	Stinson
Leath	Stocks
Leonard	Talbert
Leyendecker	Tarwater
Little	Tennant
Loggins	Tennyson
London	Thornberry
Lucas	Thornton
Mann	Vale
Mauritz	Waggoner
Mays	Walker
McConnell	Weldon
McDonald	Winfree
McFarland	Wood

Absent

Adkins	Jackson
Bridgers	Jones of Atascosa
Broadfoot	Jones of Falls
Brown	Kern
Carssow	McCracken
Celaya	Metcalfe
Colquitt	Petsch
Davison of Fisher	Pope
Dickison	Reader
Dollins	Reed of Bowie
Felty	Reed of Dallas
Graves	Roark
Harris of Archer	Westbrook
Herzik	Worley

Absent—Excused

Derden	Ragsdale
Harrell	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Knetsch:

H. B. No. 1165, A bill to be entitled "An Act amending Subsection 1 of Subsection E of Section 26 of House Bill No. 67, Acts of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

RECESS

On motion of Mr. Stevenson, the House, at 12:40 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Rutta was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Hamilton.

Mr. Leath was granted leave of absence for the remainder of the day and tomorrow, on account of important business, on motion of Mr. Wood.

Mr. Kern was granted leave of absence for this afternoon, on account of illness, on motion of Mr. Smith of Hopkins.

Mr. Felty was granted leave of absence for this afternoon, on account of important business, on motion of Mr. Hoskins.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Knetsch, House Bill No. 1165 was ordered not printed.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 650

Mr. Beckworth submitted the following Conference Committee Report on House Bill No. 650:

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Gentlemen:

We, your Conference Committee, appointed to adjust the differences between the House and Senate on House Bill No. 650, have had same under consideration, and beg leave to report that we recommend the passage of said House Bill No. 650 in the form attached hereto.

Respectfully submitted,

PACE,
SHIVERS,
WOODRUFF,
NEAL,
BURNS,

On the part of the Senate.

BECKWORTH,
CLEVELAND,
BRADBURY,
HYDER,
POPE,

On the part of the House.

H. B. No. 650,

A BILL

To Be Entitled

An Act validating and approving all proceedings had by cities and towns in the State of Texas having a population of not more than three thousand according to the preceding Federal Census, in the issuance and sale of revenue obligations under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas of 1925 as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Works Progress Administration, or any other governmental agency, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of Texas of 1925 prior to the amendment of October 1935, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or

towns, and validating the pledge of revenues to the payment of said obligations; providing this Act shall not apply to any proceedings or obligations, the validity of which has been contested in any pending suit or litigation, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That all proceedings heretofore had by the governing bodies of all cities and towns, having a population of not more than three thousand, according to the preceding Federal Census, in the issuance and sale of revenue bonds, notes or warrants issued under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas, as amended, to aid in financing any undertaking, for which a loan or grant has been made by the United States through the Public Works Administration, or any other agency or department of the Government of the United States, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of 1925 prior to the amendment of October 1935, are hereby in that respectively validated, confirmed, approved and legalized, and any such bonds, notes or warrants heretofore sold, or heretofore authorized but not yet delivered, are in all things fully validated, confirmed and approved, and such bonds, notes or warrants are hereby declared to be the valid and binding special obligations of such cities and towns of said population payable from sources other than taxation. All orders, resolutions and ordinances authorizing the issuance of any such revenue bonds by said cities and towns of said population, and setting aside and pledging the revenues of any light system, water system, sewer system or sanitary disposal equipment system, either or all are hereby in all things validated, confirmed and approved, and legalized.

Section 2. Provided, however, that the provisions of this Act shall not apply to any such proceedings, or obligations issued thereon, where the validity thereof has been contested or attacked in any suit or pending litigation.

Section 3. The fact that many cities and towns in Texas have authorized the issuance of revenue obligations, and in some instances, by inadvertence or

oversight, the requirements of law have not been fully complied with, and the further fact that on account of unemployment the immediate relief of citizens may be had by the issuance and sale of such bonds creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee substitute for House Bill No. 650:

A BILL

To Be Entitled

An Act validating and approving all proceedings had by cities and towns in the State of Texas, in the issuance and sale of revenue obligations under the provisions of Article 1111 to 1118, Revised Civil Statutes of Texas of 1925 as amended, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Works Progress Administration, or any other governmental agency, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of Texas of 1925 prior to the amendment of October 1935, declaring that such bonds, notes or warrants shall be valid and binding special obligations of such cities or towns, and validating the pledge of revenues to the payment of said obligations; providing this Act shall not apply to any proceedings or obligations, the validity of which has been contested in any pending suit or litigation, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. That all proceedings heretofore had by the governing bodies of all cities and towns, including home rule cities, in the issuance and sale of revenue bonds, notes or warrants issued under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas, as amended, to aid in financing any undertaking, for which a loan or grant has been made by the United States through the Public Works Administration, or any other agency or department of the Government of the

United States, in which the only objection to the validity of said bonds is that such election was ordered and notice thereof given under the provisions of Article 704, Revised Civil Statutes of 1925 prior to the amendment of October 1935, are hereby in that respectfully validated, confirmed, approved and legalized, and any such bonds, notes or warrants heretofore sold, or heretofore authorized but not yet delivered, are in all things fully validated, confirmed and approved, and such bonds, notes or warrants are hereby declared to be the valid and binding special obligations of such cities and towns payable from sources other than taxation. All orders, resolutions and ordinances authorizing the issuance of any such revenue bonds and setting aside and pledging the revenues of any light system, water system, sewer system or sanitary disposal equipment system, either or all are hereby in all things validated, confirmed and approved, and legalized.

Section 2. Provided, however, that the provisions of this Act shall not apply to any such proceedings, or obligations issued thereon, where the validity thereof has been contested or attacked in any suit or pending litigation.

Section 3. The fact that many cities and towns in Texas have authorized the issuance of revenue obligations, and in some instances, by inadvertence or oversight, the requirements of law have not been fully complied with, and the further fact that on account of unemployment the immediate relief of citizens may be had by the issuance and sale of such bonds creates an emergency and an imperative public necessity that the constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Hyder, the report was adopted by the following vote:

Yeas—100

Adkins	Bond
Alexander	Bradbury
Alsup	Bradford
Amos	Bridgers
Baker	Broadfoot
Beckworth	Brown
Blankenship	Burton
Boethel	Cagle

Callan	Keith
Carssow	Kelt
Cathey	King
Cauthorn	Lankford
Celaya	Leath
Cleveland	Leonard
Colquitt	London
Davis of Haskell	Lucas
Davis of Jasper	Mann
Davison of Fisher	Mays
Davisson	McConnell
of Eastland	Metcalfe
Deglandon	Moffett
Dollins	Monkhouse
England	Morris
Farmer	Morse
Felty	Oliver
Fielden	Patterson
Fox	of Travis
Graves	Petsch
Hamilton	Prescott
Hanna	Reed of Bowie
Harbin	Roark
Hardin	Russell
Harper	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Simpson
Hartzog	Skaggs
Heflin	Smith
Herzik	of Matagorda
Holland	Stevenson
Hoskins	Stinson
Howard	Stocks
Huddleston	Tarwater
Hull	Tennyson
Hyder	Thornberry
Jackson	Thornton
James	Waggoner
Johnson of Ellis	Walker
Jones of Angelina	Weldon
Jones of Atascosa	Winfree
Jones of Wise	Wood
Keefe	Worley

Nays—1

Langdon

Absent

Bates	Loggins
Bell	Mauritz
Boyer	McCracken
Dean	McDonald
Dickison	McFarland
Fuchs	McKee
Gibson	McKinney
Hankamer	Newton
Johnson	Nicholson
of Tarrant	Palmer
Jones of Falls	Patterson of Mills
Kenyon	Pope
Knetsch	Powell
Lanning	Quinn
Leyendecker	Reader
Little	Reed of Dallas

Rhodes	Smith of Tarrant
Riddle	Talbert
Ross	Tennant
Schuenemann	Vale
Shell	Westbrook
Smith of Hopkins	

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

TO PROVIDE FOR THE CON-
SIDERATION OF CERTAIN
BILL

Mr. Hull offered the following resolution:

Whereas, Senate Bill No. 212 has been awaiting consideration of the House for the past several weeks; and

Whereas, The measure has not been presented to the House, because of precedence given other important measures; and

Whereas, This bill is of utmost importance to its authors and to many people in northwest Texas; therefore, be it

Resolved, That the Rules of the House, and the regular order of business, be suspended for the purpose of taking up and considering Senate Bill No. 212 at 3:00 o'clock p. m., today and until the measure is disposed of.

The resolution was read second time.

Question recurring on the resolution, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows:

Yeas—50

Amos	Herzik
Baker	Holland
Callan	Howard
Carssow	Huddleston
Cathey	Hull
Cauthorn	Jones of Angelina
Celaya	Kelt
Cleveland	King
Davis of Haskell	Lucas
Davisson	Mann
of Eastland	McConnell
Dollins	McCracken
England	Moffett
Farmer	Monkhouse
Felty	Morris
Hamilton	Morse
Hanna	Oliver
Harbin	Patterson
Heflin	of Travis

Reader
Reed of Bowie
Russell
Sewell
Simpson
Skaggs
Smith
of Matagorda

Stocks
Talbert
Tarwater
Tennant
Weldon
Winfree
Worley

Nays—47

Adkins	Johnson of Ellis
Alsup	Jones of Atascosa
Beckworth	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Langdon
Bradbury	Leath
Bradford	Mauritz
Broadfoot	Mays
Brown	McFarland
Burton	Metcalf
Cagle	Palmer
Colquitt	Petsch
Davis of Jasper	Prescott
Deglandon	Roark
Fielden	Sharpe
Fox	Smith of Hopkins
Graves	Tennyson
Harper	Thornberry
Harris of Archer	Thornton
Harris of Dallas	Waggoner
Harris of Dickens	Walker
Jackson	Wood
James	

Absent

Alexander	Little
Bates	Loggins
Bell	London
Boyer	McDonald
Bridgers	McKee
Davison of Fisher	McKinney
Dean	Newton
Dickison	Nicholson
Fuchs	Patterson of Mills
Gibson	Pope
Hankamer	Powell
Hardin	Quinn
Hartzog	Reed of Dallas
Hoskins	Rhodes
Hyder	Riddle
Johnson	Ross
of Tarrant	Schuenemann
Jones of Falls	Settle
Kenyon	Shell
Knetsch	Smith of Tarrant
Lankford	Stevenson
Lanning	Stinson
Leonard	Vale
Leyendecker	Westbrook

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

The point of order was raised, that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Carssow moved a call of the House for the purpose of securing and maintaining a quorum until 4:00 o'clock p. m., today, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—50

Alsup	King
Amos	Lankford
Baker	London
Beckworth	Lucas
Boethel	Mauritz
Bradbury	McConnell
Burton	McFarland
Carssow	Moffett
Cauthorn	Oliver
Davis of Haskell	Patterson
Davis of Jasper	of Travis
Davisson	Petsch
of Eastland	Reader
Deglandon	Reed of Bowie
Fox	Roark
Graves	Russell
Hamilton	Sharpe
Hanna	Skaggs
Harbin	Smith
Harper	of Matagorda
Harris of Archer	Stocks
Herzik	Tennant
Holland	Tennyson
Hoskins	Thornberry
Huddleston	Walker
Jones of Wise	Weldon
Kelt	

Nays—63

Adkins	Hankamer
Blankenship	Harris of Dallas
Bond	Harris of Dickens
Boyer	Heflin
Bradford	Howard
Bridgers	Hull
Brown	Jackson
Cagle	James
Callan	Johnson of Ellis
Cathay	Jones of Angelina
Celaya	Jones of Falls
Colquitt	Keefe
Dickison	Keith
Dollins	Langdon
England	Leath
Farmer	Leonard
Felty	Little
Fielden	Mann
Gibson	Mays

McCracken	Shell
McDonald	Simpson
McKinney	Smith of Hopkins
Metcalfe	Stevenson
Monkhouse	Stinson
Morris	Tarwater
Morse	Thornton
Palmer	Vale
Prescott	Waggoner
Reed of Dallas	Winfree
Schuenemann	Wood
Settle	Worley
Sewell	

Absent

Alexander	Lanning
Bates	Leyendecker
Bell	Loggins
Broadfoot	McKee
Cleveland	Newton
Davison of Fisher	Nicholson
Dean	Patterson of Mills
Fuchs	Pope
Hardin	Powell
Hartzog	Quinn
Hyder	Rhodes
Johnson	Riddle
of Tarrant	Ross
Jones of Atascosa	Smith of Tarrant
Kenyon	Talbert
Knetsch	Westbrook

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

Question again recurring on the resolution by Mr. Hull, yeas and nays were demanded.

The resolution was lost by the following vote:

Yeas—55

Adkins	Heflin
Amos	Herzik
Baker	Holland
Boyer	Hoskins
Broadfoot	Huddleston
Callan	Jackson
Carssow	Jones of Angelina
Cauthorn	Kelt
Celaya	King
Davis of Haskell	Lankford
Davisson	Leonard
of Eastland	Loggins
Dickison	London
Dollins	Lucas
England	Mann
Farmer	McConnell
Felty	McCracken
Hamilton	Moffett
Hankamer	Monkhouse
Hanna	Morris
Harbin	Morse

Reader	Smith
Reed of Bowie	of Matagorda
Reed of Dallas	Stinson
Russell	Vale
Settle	Weldon
Sewell	Winfree
Simpson	Worley
Skaggs	

Nays—56

Alsop	Langdon
Beckworth	Leath
Blankenship	Mauritz
Boethel	Mays
Bond	McFarland
Bradbury	McKinney
Bradford	Metcalfe
Bridgers	Newton
Brown	Oliver
Burton	Palmer
Cagle	Patterson
Colquitt	of Travis
Davis of Jasper	Petsch
Deglandon	Prescott
Fielden	Roark
Fox	Sharpe
Gibson	Smith of Hopkins
Graves	Stevenson
Harper	Stocks
Harris of Archer	Talbert
Harris of Dickens	Tarwater
James	Tennant
Johnson of Ellis	Tennyson
Jones of Atascosa	Thornberry
Jones of Falls	Thornton
Jones of Wise	Waggoner
Keefe	Walker
Keith	Wood
Knetsch	

Absent

Alexander	Lanning
Bates	Leyendecker
Bell	Little
Cathey	McDonald
Cleveland	McKee
Davison of Fisher	Nicholson
Dean	Patterson of Mills
Fuchs	Pope
Hardin	Powell
Harris of Dallas	Quinn
Hartzog	Rhodes
Howard	Riddle
Hull	Ross
Hyder	Schuenemann
Johnson	Shell
of Tarrant	Smith of Tarrant
Kenyon	Westbrook

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. J. R. No. 26, Proposing an amendment to Article III of the Constitution of the State of Texas. (With amendments.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 1165 ON SECOND READING

Mr. Knetsch moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1165 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Alexander	Graves
Alsup	Hamilton
Amos	Hankamer
Baker	Hanna
Bates	Harbin
Beckworth	Hardin
Bell	Harper
Blankenship	Harris of Archer
Boethel	Harris of Dickens
Boyer	Hartzog
Bradbury	Heflin
Bradford	Herzik
Bridgers	Holland
Brown	Hoskins
Burton	Howard
Callan	Huddleston
Carsow	Hyder
Cathey	Jackson
Cauthorn	James
Celaya	Johnson of Ellis
Cleveland	Jones of Angelina
Colquitt	Jones of Atascosa
Davis of Haskell	Jones of Falls
Davis of Jasper	Jones of Wise
Davison of Fisher	Keefe
Davison	Keith
of Eastland	Kelt
Deglandon	King
Dickison	Knetsch
Dollins	Langdon
England	Lankford
Farmer	Lanning
Felty	Leath
Fielden	Leonard
Fox	Leyendecker
Gibson	Little

Loggins
London
Lucas
Mann
Mauritz
Mays
McConnell
McCracken
McDonald
McFarland
McKee
McKinney
Moffett
Monkhouse
Morris
Morse
Newton
Oliver
Palmer
Patterson
of Travis
Petsch
Prescott
Quinn
Reed of Bowie
Reed of Dallas
Rhodes
Roark

Russell
Schuenemann
Settle
Sewell
Sharpe
Shell
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Smith of Tarrant
Stevenson
Stinson
Stocks
Talbert
Tarwater
Tennant
Tennyson
Thornberry
Thornton
Waggoner
Walker
Weldon
Westbrook
Winfree
Wood
Worley

Nays—1

Cagle

Absent

Adkins	Metcalf
Bond	Nicholson
Broadfoot	Patterson of Mills
Dean	Pope
Fuchs	Powell
Harris of Dallas	Reader
Hull	Riddle
Johnson	Ross
of Tarrant	Vale
Kenyon	

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1165, A bill to be entitled "An Act amending Subsection 1 of Subdivision "E" of Section 26 of House Bill No. 67, Acts of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1165 ON THIRD READING

The Speaker then laid House Bill No. 1165 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adkins	Keith
Alexander	Kelt
Alsup	King
Amos	Knetsch
Baker	Langdon
Bates	Lankford
Beckworth	Lanning
Bell	Leath
Blankenship	Leonard
Boethel	Leyendecker
Boyer	Little
Bradbury	Loggins
Bridgers	London
Brown	Lucas
Burton	Mann
Callan	Mauritz
Carsow	Mays
Cauthorn	McConnell
Celaya	McCracken
Cleveland	McDonald
Colquitt	McFarland
Davis of Haskell	McKee
Davis of Jasper	Moffett
Davison	Monkhouse
of Eastland	Morris
Deglandon	Morse
Dickson	Newton
Dollins	Oliver
England	Palmer
Farmer	Patterson
Felty	of Travis
Fielden	Petsch
Fox	Prescott
Gibson	Quinn
Graves	Reed of Bowie
Hamilton	Reed of Dallas
Hankamer	Rhodes
Hanna	Roark
Harbin	Russell
Hardin	Schuenemann
Harper	Settle
Harris of Archer	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Hartzog	Simpson
Heflin	Skaggs
Herzik	Smith of Hopkins
Holland	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Huddleston	Stevenson
Hull	Stinson
Jackson	Stocks
James	Talbert
Johnson of Ellis	Tarwater
Jones of Angelina	Tennant
Jones of Atascosa	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keefe	Waggoner

Walker	Winfree
Weldon	Wood
Westbrook	Worley

Absent

Bond	Kenyon
Bradford	McKinney
Broadfoot	Metcalf
Cagle	Nicholson
Cathey	Patterson of Mills
Davison of Fisher	Pope
Dean	Powell
Fuchs	Reader
Hyder	Riddle
Johnson	Ross
of Tarrant	Vale

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted Senate Simple Resolution No. 84, requesting the House to return House Joint Resolution No. 26 for further consideration.

Respectfully,

BOB BARKER,
Secretary of the Senate.

MEMORIALIZING CONGRESS IN REGARD TO CERTAIN LEGISLATION

The Speaker laid before the House, for consideration at this time, resolution offered on yesterday, by Mr. Fuchs, memorializing Congress in regard to passage of certain legislation.

The resolution having been read second time on yesterday and referred to the Committee on Agriculture, with amendment offered by Mr. Jones of Atascosa, and others, pending.

Mr. Johnson of Ellis moved to table the amendment by Mr. Jones of Atascosa.

Mr. Gibson raised a point of order, on further consideration of the amendment, on the ground that the amendment is not germane to the resolution.

The Speaker overruled the point of order.

Question recurring on the motion

to table the amendment, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—48

Baker	Mays
Blankenship	McDonald
Boethel	McKee
Burton	McKinney
Cagle	Monkhouse
Carssow	Morris
Cauthorn	Morse
Celaya	Patterson
Colquitt	of Travis
Felty	Petsch
Gibson	Reed of Dallas
Graves	Rhodes
Hankamer	Schuenemann
Hanna	Sewell
Hardin	Shell
Harper	Smith
Harris of Dallas	of Matagorda
Heflin	Stevenson
Hoskins	Stinson
Howard	Stocks
Huddleston	Talbert
Jackson	Tennant
Johnson of Ellis	Thornton
Keith	Weldon
Knetsch	Wood

Nays—69

Adkins	Jones of Angelina
Alexander	Jones of Atascosa
Alsup	Jones of Falls
Amos	Jones of Wise
Bates	Keefe
Beckworth	Kelt
Bell	King
Bradbury	Langdon
Bridgers	Lankford
Brown	Lanning
Callan	Leath
Cathey	Loggins
Cleveland	Lucas
Davis of Haskell	Mann
Davis of Jasper	Mauritz
Davison of Fisher	McConnell
Davisson	McCracken
of Eastland	Metcalf
Deglandon	Moffett
Dickison	Newton
Dollins	Oliver
Farmer	Palmer
Fielden	Prescott
Fox	Reed of Bowie
Hamilton	Roark
Harris of Archer	Ross
Harris of Dickens	Russell
Herzik	Settle
Holland	Simpson
Hyder	Skaggs
James	Smith of Hopkins

Smith of Tarrant	Vale
Tarwater	Waggoner
Tennyson	Winfree
Thornberry	Worley

Present—Not Voting

Quinn	Westbrook
Absent	
Bond	Leonard
Boyer	Leyendecker
Bradford	Little
Broadfoot	London
Dean	McFarland
England	Nicholson
Fuchs	Patterson of Mills
Harbin	Pope
Hartzog	Powell
Hull	Reader
Johnson	Riddle
of Tarrant	Sharpe
Kenyon	Walker

Absent—Excused

Derden	Ragsdale
Harrell	Rutta
Kern	

Mr. Gibson offered the following amendment to the amendment by Mr. Jones of Atascosa:

Amend Jones amendment, by striking out the words "and the revitalizing the Supreme Court."

Mr. Harris of Dickens moved the previous question on the pending amendment and the resolution, and the main question was ordered.

Mr. Beckworth moved to reconsider the vote by which the main question was ordered.

The motion was lost.

Question recurring on the amendment by Mr. Gibson, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—51

Alexander	Graves
Baker	Hankamer
Blankenship	Hanna
Boethel	Hardin
Bond	Harris of Dallas
Boyer	Hartzog
Broadfoot	Heflin
Burton	Howard
Cagle	Jackson
Carssow	Johnson
Cathey	of Tarrant
Cauthorn	Keith
Colquitt	Leyendecker
Gibson	Loggins

Mays	Shell
McDonald	Skaggs
McKinney	Smith
Morris	of Matagorda
Morse	Stevenson
Patterson of Mills	Stinson
Patterson	Stocks
of Travis	Talbert
Petsch	Tennant
Reed of Dallas	Thornton
Rhodes	Vale
Schuenemann	Weldon
Sewell	Wood
Sharpe	

Nays—73

Adkins	Kelt
Alsup	King
Amos	Knetsch
Bates	Langdon
Bell	Lankford
Bradbury	Lanning
Bradford	Lucas
Bridgers	Mann
Brown	Mauritz
Callan	McConnell
Celaya	McCracken
Cleveland	McFarland
Davis of Haskell	Metcalfe
Davison of Fisher	Moffett
Davisson	Monkhouse
of Eastland	Newton
Deglandon	Oliver
Dickison	Palmer
Dollins	Powell
England	Prescott
Farmer	Reader
Fielden	Reed of Bowie
Fox	Riddle
Hamilton	Roark
Harbin	Ross
Harris of Archer	Russell
Harris of Dickens	Settle
Holland	Simpson
Huddleston	Smith of Hopkins
Hull	Smith of Tarrant
James	Tarwater
Johnson of Ellis	Tennyson
Jones of Angelina	Thornberry
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Wise	Winfree
Keefe	Worley

Present—Not Voting

Beckworth	Herzik
Davis of Jasper	Westbrook
Harper	

Absent

Dean	Little
Fuchs	London
Hoskins	McKee
Hyder	Nicholson
Kenyon	Pope
Leonard	Quinn

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

Question then recurring on the amendment by Mr. Jones of Atascosa, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—79

Adkins	Jones of Falls
Alexander	Jones of Wise
Alsup	Kelt
Amos	King
Baker	Knetsch
Bates	Langdon
Beckworth	Lankford
Bell	Lanning
Boyer	Loggins
Bradbury	Lucas
Bradford	Mann
Bridgers	Mauritz
Brown	McConnell
Callan	McCracken
Cathey	McFarland
Cauthorn	Metcalfe
Cleveland	Moffett
Davis of Haskell	Newton
Davis of Jasper	Oliver
Davison of Fisher	Palmer
Davisson	Powell
of Eastland	Prescott
Deglandon	Reed of Bowie
Dickison	Riddle
Dollins	Roark
England	Ross
Farmer	Russell
Fielden	Settle
Fox	Sharpe
Hamilton	Simpson
Harris of Archer	Skaggs
Harris of Dickens	Smith of Hopkins
Herzik	Smith of Tarrant
Holland	Tarwater
Huddleston	Tennyson
Hull	Thornberry
Hyder	Waggoner
James	Walker
Jones of Angelina	Winfree
Jones of Atascosa	Worley

Nays—44

Blankenship	Harbin
Boethel	Harris of Dallas
Burton	Hartzog
Cagle	Heflin
Carssow	Hoskins
Celaya	Howard
Colquitt	Jackson
Gibson	Johnson of Ellis
Graves	Johnson
Hanna	of Tarrant

Keith	Rhodes
Leyendecker	Schuenemann
Mays	Sewell
McDonald	Shell
McKee	Smith
McKinney	of Matagorda
Monkhouse	Stinson
Morris	Stocks
Morse	Talbert
Patterson of Mills	Tennant
Patterson	Thornton
of Travis	Vale
Petsch	Weldon
Reed of Dallas	Wood

Present—Not Voting

Bond	Westbrook
Harper	

Absent

Broadfoot	Little
Dean	London
Fuchs	Nicholson
Hankamer	Pope
Hardin	Quinn
Keefe	Reader
Kenyon	Stevenson
Leonard	

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

Question then recurring on the resolution, as amended, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—89

Adkins	Deglandon
Alexander	Dickison
Alsup	Dollins
Amos	England
Baker	Farmer
Bates	Fielden
Beckworth	Fox
Bell	Hamilton
Boethel	Harbin
Boyer	Hardin
Bradbury	Harris of Archer
Bradford	Harris of Dickens
Bridgers	Herzik
Brown	Holland
Callan	Huddleston
Cathey	Hull
Cauthorn	Hyder
Cleveland	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Jones of Angelina
Davison of Fisher	Jones of Atascosa
Davison	Jones of Falls
of Eastland	Jones of Wise

Keefe	Powell
Kelt	Prescott
King	Reader
Knetsch	Reed of Bowie
Langdon	Riddle
Lankford	Roark
Lanning	Ross
Little	Russell
Loggins	Settle
Lucas	Sewell
Mann	Sharpe
Mauritz	Simpson
McConnell	Skaggs
McCracken	Smith of Hopkins
McFarland	Smith of Tarrant
Metcalfe	Tarwater
Moffett	Tennyson
Morris	Thornberry
Newton	Waggoner
Oliver	Walker
Palmer	Winfree
Petsch	Worley

Nays—40

Blankenship	McKee
Burton	McKinney
Cagle	Monkhouse
Carssow	Morse
Celaya	Patterson of Mills
Colquitt	Patterson
Gibson	of Travis
Graves	Reed of Dallas
Hankamer	Rhodes
Hanna	Schuenemann
Harris of Dallas	Shell
Hartzog	Smith
Heflin	of Matagorda
Hoskins	Stinson
Howard	Stocks
Jackson	Talbert
Johnson	Tennant
of Tarrant	Thornton
Keith	Vale
Leyendecker	Weldon
Mays	Wood
McDonald	

Present—Not Voting

Bond	Harper
Broadfoot	Westbrook

Absent

Dean	Nicholson
Fuchs	Pope
Kenyon	Quinn
Leonard	Stevenson
London	

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

Mr. Jones of Atascosa moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

I voted "Present Not Voting" because I did not know what the will of my people was relative to their attitude toward all the acts, deeds and the general conduct of our President. Since I have endeavored to represent the will of my people I have refrained from going on record either approving or disapproving the President on public issues that are so widely controversial. Generally speaking I assume the position that the people of San Augustine and Sabine Counties sent me to the Legislature to represent their interests and their welfare in matters pertaining to my district and to my State and not to consume valuable time getting all mixed up in National Politics. The time used in arguing and discussing such National Politics of any nature could be used to give some Member an opportunity to present some measure in behalf of his district or his State that, otherwise, would not have the time and opportunity to do so. If we will only do our job well and good, then all will be well and good with us, and better for our State.

WESTBROOK.

REQUEST OF SENATE GRANTED

On motion of Mr. Alsup, the House granted the request of the Senate to return House Joint Resolution No. 26 back to the Senate for further consideration.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 1076, "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the support and maintenance of the Board of Pardons and Paroles of Texas, created by an amendment to the Constitution of the State of Texas adopted at the November General election, 1936, and which became effective February 1st, 1937, for the balance of the fiscal year, beginning February 1st, 1937, and ending August 31st, 1937, and declaring an emergency."

H. B. No. 51, "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

H. B. No. 984, "An Act providing for a closed season for the killing, taking or possessing of squirrel in the County of Wharton, Texas, during the months of January, February, and March of each year; providing a penalty for the violation of the provisions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

H. B. No. 970, "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature, 1933, being an Act creating the office of County Purchasing Agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; providing for the appointment of such agent, prescribing his duties and fixing his compensation; . . . etc., and declaring an emergency."

H. B. No. 1035, "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in one day; providing penalty for violation of this Act; . . . etc., and declaring an emergency."

H. B. No. 765, An Act relating to salaries of Commissioners in certain counties, etc.

HOUSE BILLS ON FIRST READING

Mr. Metcalfe moved to introduce, at this time, and have placed on first reading, House Bill No. 1166.

The motion prevailed by the following vote:

Yeas—123

Adkins	Bridgers
Alexander	Broadfoot
Alsup	Brown
Amos	Burton
Baker	Cagle
Beckworth	Callan
Bell	Carssow
Blankenship	Cathey
Boethel	Cauthorn
Boyer	Celaya
Bradbury	Cleveland
Bradford	Davis of Jasper

Davison of Fisher	Mays
Davisson	McConnell
of Eastland	McFarland
Deglandon	McKee
Dickison	McKinney
Dollins	Metcalf
England	Moffett
Farmer	Monkhouse
Fielden	Morris
Fox	Morse
Gibson	Oliver
Graves	Palmer
Hamilton	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Harbin	Petsch
Hardin	Powell
Harper	Prescott
Harris of Archer	Quinn
Harris of Dallas	Reader
Harris of Dickens	Reed of Bowie
Hartzog	Reed of Dallas
Heflin	Rhodes
Herzik	Riddle
Howard	Roark
Huddleston	Ross
Hull	Schuenemann
Jackson	Settle
James	Sewell
Johnson of Ellis	Sharpe
Johnson	Shell
of Tarrant	Simpson
Jones of Angelina	Skaggs
Jones of Atascosa	Smith of Hopkins
Jones of Falls	Smith
Jones of Wise	of Matagorda
Keefe	Stevenson
Keith	Stinson
Kelt	Stocks
King	Talbert
Knetsch	Tarwater
Langdon	Tennant
Lankford	Tennyson
Lanning	Thornberry
Leonard	Thornton
Leyendecker	Vale
Little	Waggoner
Loggins	Walker
London	Weldon
Lucas	Winfree
Mann	Worley
Mauritz	

Absent

Rates	McCracken
Bond	McDonald
Colquitt	Newton
Davis of Haskell	Nicholson
Dean	Pope
Fuchs	Russell
Holland	Smith of Tarrant
Hoskins	Westbrook
Hyder	Wood
Kenyon	

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Metcalfe:

H. B. No. 1166, A bill to be entitled "An Act amending Section 8 of House Bill No. 974, Acts of the Regular Session of the Forty-fifth Legislature, changing the terms of court of Sterling County, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Hamilton moved to introduce, at this time, and have placed on first reading, House Bill No. 1167.

The motion prevailed by the following vote:

Yeas—112

Adkins	Harper
Alexander	Harris of Archer
Alsup	Harris of Dallas
Amos	Harris of Dickens
Baker	Herzik
Beckworth	Holland
Bell	Hoskins
Blankenship	Howard
Boethel	Huddleston
Boyer	Hyder
Bradbury	Jackson
Broadfoot	Johnson of Ellis
Burton	Johnson
Cagle	of Tarrant
Callan	Jones of Angelina
Carssow	Jones of Atascosa
Cathey	Jones of Falls
Cauthorn	Jones of Wise
Celaya	Keefe
Cleveland	Keith
Davis of Jasper	Kelt
Davison of Fisher	King
Davisson	Knetsch
of Eastland	Langdon
Deglandon	Lankford
Dickison	Lanning
Dollins	Leonard
Farmer	Leyendecker
Fielden	Little
Fox	London
Gibson	Lucas
Graves	Mann
Hamilton	McConnell
Hankamer	McDonald
Hanna	McFarland
Hardin	McKee

McKinney	Schuenemann
Metcalfe	Settle
Moffett	Sewell
Monkhouse	Sharpe
Morris	Simpson
Morse	Skaggs
Oliver	Smith of Hopkins
Palmer	Smith
Patterson of Mills	of Matagorda
Patterson	Stevenson
of Travis	Stinson
Petsch	Stocks
Powell	Talbert
Prescott	Tennant
Quinn	Tennyson
Reader	Thornberry
Reed of Bowie	Thornton
Reed of Dallas	Waggoner
Rhodes	Weldon
Riddle	Westbrook
Roark	Winfree
Ross	Worley

Nays—1

Walker

Absent

Bates	Kenyon
Bond	Loggins
Bradford	Mauritz
Bridgers	Mays
Brown	McCracken
Colquitt	Newton
Davis of Haskell	Nicholson
Dean	Pope
England	Russell
Fuchs	Shell
Harbin	Smith of Tarrant
Hartzog	Tarwater
Heflin	Vale
Hull	Wood
James	

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Calvert and Mr. Hamilton:

H. B. No. 1167, A bill to be entitled "An Act amending Article 2350 Revised Civil Statutes of Texas, 1925, as amended by Chapter 135, Acts of Thirty-ninth Legislature, Regular Session, as amended by Chapter 290, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 46, Acts of the Fortieth Legislature, First Called Session, as

amended by Chapter 216, Acts of Forty-third Legislature, Regular Session, as amended by Chapter 83, Acts of Forty-third Legislature, First Called Session, as amended by Chapter 363, Acts of Forty-fourth Legislature, Regular Session, and declaring an emergency."

Referred to the Committee on Counties.

EXTENDING TIME OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 750

On motion of Mr. Quinn, the House extended the time for the consideration of House Bill No. 750, by the conference committee, until tomorrow.

ADJOURNMENT

Mr. Carssow moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Reed of Bowie moved that the House recess until 4:15 o'clock p. m., today.

Mr. Patterson of Travis moved that the House recess until 7:30 o'clock p. m., today.

Mr. Petsch moved that the House recess until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion to adjourn prevailed by the following vote:

Yeas—71

Adkins	Harris of Dallas
Baker	Heflin
Bates	Holland
Bell	Howard
Blankenship	Hull
Boethel	Hyder
Bond	Jackson
Boyer	James
Bradford	Johnson
Bridgers	of Tarrant
Broadfoot	Jones of Angelina
Brown	Jones of Atascosa
Burton	Jones of Falls
Cagle	Jones of Wise
Carssow	Keefe
Celaya	Keith
Davisson	Lanning
of Eastland	Leonard
Deglandon	Leyendecker
Dollins	Little
Hankamer	London
Hanna	Mays
Harper	McCracken

McDonald	Smith of Hopkins
McFarland	Smith of Tarrant
McKinney	Stevenson
Monkhouse	Stinson
Morse	Stocks
Palmer	Talbert
Pope	Thornton
Prescott	Vale
Riddle	Waggoner
Roark	Walker
Schuenemann	Winfree
Settle	Wood
Sewell	Worley
Shell	

Nays—59

Alexander	Lucas
Alsup	Mann
Amos	Mauritz
Beckworth	McConnell
Bradbury	Metcalfe
Callan	Moffett
Cathey	Morris
Cauthorn	Newton
Cleveland	Oliver
Davis of Jasper	Patterson of Mills
Davison of Fisher	Patterson
Dickison	of Travis
England	Petsch
Farmer	Powell
Fielden	Quinn
Fox	Reader
Gibson	Reed of Bowie
Hamilton	Reed of Dallas
Harbin	Rhodes
Hardin	Ross
Harris of Archer	Russell
Harris of Dickens	Sharpe
Herzik	Simpson
Huddleston	Smith
Johnson of Ellis	of Matagorda
Kelt	Tennant
King	Tennyson
Knetsch	Thornberry
Langdon	Weldon
Lankford	Westbrook
Loggins	

Absent

Colquitt	Hoskins
Davis of Haskell	Kenyon
Dean	McKee
Fuchs	Nicholson
Graves	Skaggs
Hartzog	Tarwater

Absent—Excused

Derden	Leath
Felty	Ragsdale
Harrell	Rutta
Kern	

The House, accordingly, at 4:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Appropriations: Senate Bill No. 393.

Claims and Accounts: Senate Bill No. 179.

Counties: House Bill No. 1158.

Game and Fisheries: House Bills Nos. 1162 and 1161.

Public Lands and Buildings: House Bill No. 1153.

Revenue and Taxation: Senate Bill No. 487.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 119, Authorizing the State Highway Department to loan certain road equipment to Red River County for the purpose and use of draining and repairing of roads.

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1160, A bill to be entitled "An Act amending Title 28, Chapter 20, Revised Civil Statutes of Texas of 1925, by adding a new Article thereto to be known as Article 125a; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1165, A bill to be entitled "An Act amending Subsection E of Section 26 of House Bill No. 67, Acts of the Regular Session of the Forty-

fifth Legislature; etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 117, Granting permission to H. J. Birdsong, to bring suit against the State of Texas and the Highway Department of the State of Texas.

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 120, Requesting that the Board of Control be asked and instructed to use the vacant space in the Confederate Home for State office buildings.

Has carefully compared same and finds it correctly engrossed.

WESTBROOK, Vice Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 410, "An Act providing that County Commissioners Courts and the municipal government of any incorporated city, town, or village, may appoint, employ, and pay case workers and investigators to make investigation of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission, any proper Federal Agency or by counties or cities or by any one of said agencies, commission, cities, or counties; providing that there shall in no case be employed more than one case worker or investigator to every one hundred thousand (100,000) inhabitants of each county of this State; providing that County Commissioners Courts in this State

in conjunction with municipal governments of any incorporated city, town, or village, may enter into an agreement to jointly appoint, employ, and pay the salary of case workers and investigators to make investigations of needy persons to whom may be supplied necessities furnished by the Texas Relief Commission, any proper Federal Agency or by counties, or cities or by any one of said agencies, commission, cities, or counties in such proportionate parts as may be agreed upon by the said Commissioners Court of any county and any municipal government situated in said county; providing compensation for any case worker so employed and appointed may not exceed Twelve Hundred (\$1,200.00) Dollars per annum; providing the duties of said case workers and investigators; providing that this Act shall remain in force and effect for a period of two (2) years after the date of its enactment; making this Act applicable only to certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 126, "An Act providing that County Courts, upon information and notice, without the necessity of a trial by jury in termtime or vacation, may temporarily commit persons alleged to be mentally ill who are not charged with a criminal offense to State hospitals for the mentally ill for not exceeding ninety (90) days for observation and/or treatment; providing temporary commitment may also be made to United States Veterans' Administration Facilities and other United States Government-operated hospitals in those cases where such agency or department of the United States will accept such persons; providing a method of determining who may be committed hereunder; providing for the temporary commitment of such persons, their discharge, furlough, and release; providing for the payment of their transportation, support, maintenance, and treatment charges and who are liable therefor; providing that the

commitment of a person shall not in any way affect the property rights nor the legal capacity of the person so committed; providing for the transfer of residents of this State committed to hospitals for the mentally ill in other States to the hospitals for the mentally ill in this State; providing that if any portion of this Act is declared unconstitutional and invalid it shall not affect the remaining parts, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 669, "An Act repealing Article 726a, Chapter 3 of the Penal Code, being page 52, Chapter 29, of the General and Special Laws of the Forty-third Legislature, Third Called Session, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 999, "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; providing that this Act shall apply only to cities and towns incorporated since January 1, 1935, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1010, "An Act establishing a County Law Library in counties in this State having three or more District Courts sitting for all of its terms or some of its terms with both

Civil and Criminal Jurisdiction, none of which have more than four (4) terms a year and one of which sits and has jurisdiction in not less than two (2) other counties; providing a fund to be administered by the Commissioners Court to be raised by collecting One (\$1.00) Dollar as costs in each case filed in any of said Courts in said county except delinquent tax suits and including all Civil and Criminal County Courts or District Courts; providing, however, that the county shall in no event be liable for any cost in any civil or criminal case; providing for a custodian or librarian and his salary; providing for housing and management; providing this Act shall not affect any other law now in effect with respect to any other county, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1074, "An Act to change and prescribe the time for holding District Court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such Court to such changes, and make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several Counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1122, "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chap-

ter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645a providing for county auditors in counties containing a population of not less than nineteen thousand, one hundred and fifty (19,150) nor more than nineteen thousand, one hundred and seventy-five (19,175) according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1035, "An Act providing that it shall be unlawful to kill quail in Wood County, Texas, except on certain days; providing the number of quail that may be killed in any one day; providing penalty for violation of this Act; providing that consent be obtained before hunting upon the premises of another; providing a closed season for wild fox for a period of two (2) years; providing penalty for taking or killing wild fox during said closed season; providing for closed season upon wild deer or wild turkey for a period of two (2) years; providing for penalty for killing or taking wild deer or wild turkeys during such closed season; providing for the taking of certain fish in the waters of Wood County; providing penalty for violation; providing a closed season on fur-bearing animals and penalty for violation; providing it shall not be unlawful for a person to shoot mourning doves on his own premises where it is to protect crops; prohibiting hunting with a dog, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 51, "An Act to amend Article 2943, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 4, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1076, "An Act making an emergency appropriation to the State Board of Pardons and Paroles for the purpose of paying the necessary expenses and operation of said Board from February 1, 1937, to August 31, 1937, defining said duties of said Board and employees, locating said Board members, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 984, "An Act providing for a closed season for the killing, taking, or possessing of squirrel in the County of Wharton, Texas, during the months of January, February, and March of each year; providing a penalty for the violation of the provisions of this Act; repealing any provisions of law in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, May 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 970, "An Act amending Chapter 55, page 110, General Laws, Regular Session, Forty-third Legislature, 1933, being an Act creating

the office of County Purchasing Agent in all counties in this State having a population of more than one hundred thousand (100,000) inhabitants and less than one hundred and fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and containing two (2) cities of fifty thousand (50,000) inhabitants or more, each, as shown by the latest United States Census; providing for the appointment of such agent, prescribing his duties, and fixing his compensation; making it unlawful for any person, firm, or corporation to purchase any supplies, materials, and equipment for, or to contract for any repairs to property used by such county or any subdivision, officer, or employee thereof, except such purchasing agent, and making it unlawful for the County Auditor to draw or for the County Treasurer to honor, any county warrants drawn for such supplies, materials, repairs, and equipment unless the same shall have been purchased or contracted for by

such agent; providing that such agents shall annually file an inventory of all property of such county with the Commissioners Court of such county; and prescribing the duties of the County Auditor with reference to such inventory; providing for the transfer by such agent of county supplies, materials, and equipment from a subdivision, department, officer, or employee of such county to other subdivisions, departments, officers, and employees of said county, prescribing a penalty for the violation of this Act and declaring an emergency; by substituting in lieu of the provisions of Section 1 of said law, in reference to amount of compensation, the following language: 'such agent shall receive as compensation for his services a salary not to exceed Three Thousand (\$3,000.00) Dollars per year, payable in equal monthly installments,' and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of
Mr. A. R. Pratt

Mr. Hamilton offered the following resolution:

Whereas, The House of Representatives has learned with regret of the untimely death of Mr. A. R. Pratt, an honorable and esteemed citizen of Hill County; and

Whereas, Mr. Pratt was the father of Miss Katherine Pratt, who is a faithful employee of the House of Representatives; and

Whereas, In his passing the community of his residence which he served in various capacities and the State has suffered the loss of a useful and worthy citizen; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this worthy man and extend our sincere sympathy to his beloved family; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today in memory of the deceased; and, be it further

Resolved, That the Chief Clerk of the House of Representatives be instructed to forward a copy of this resolution to the family of Mr. A. R. Pratt.

HAMILTON,
CALVERT,
RUTTA,
HUDDLESTON.

The resolution was read second time.

Signed—Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Fielden, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Hon. Earl Adams, Jr.

Mr. Winfree offered the following resolution:

Whereas, Death is no respecter of persons, and as the years pass and age creeps up with unerring certainty, and the inescapable edict of the Grim Reaper falls, much as we may seek to defer it; and

Whereas, The Honorable Earl Adams, Jr., of Houston, Harris County, Texas, died on May 5th, 1937; and

Whereas, Mr. Adams was one of the outstanding and distinguished citizens of Texas, and more especially of East and Southeast Texas; some of the chief events in his life being: born in Crockett, Houston County, Texas, about 60 years ago, was educated in the schools of the City of Crockett, and read law under his father, the late Colonel Earl Adams, Sr., and was admitted to the bar in 1897, practiced law in Houston County, Texas, until 1923 during which time he was County Attorney of Houston County, and District Attorney of the district comprising Houston, Anderson and Henderson Counties. He was Assistant District Attorney of Harris County, Texas, under the Honorable J. Dixie Smith, Honorable K. C. Barkley, and the Honorable Dan Jackson, and was serving in that capacity at the time of his demise. He served as a Representative in the Forty-second Legislature of the State of Texas, as a Representative of the citizenship of Harris County. He was long a lay leader in the Methodist Episcopal Church South; and

Whereas, Throughout his entire public career Mr. Adams was recognized as an able lawyer, a patriotic citizen, and as a man who reflected honor upon his State; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature, That we deplore the untimely death of Mr. Adams, and express our sincere regrets to the members of his family, and that when the House adjourns today they do so in honor of his memory and that a page of the Journal be set apart for the enrollment of this resolution, and that a copy of this resolution be furnished to the members of his family.

WINFREE, HEFLIN,
MORSE. MANN.
HOWARD,

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davison of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Herzik, Holland, Hoskins, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Read of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Wood and Worley.

On motion of Mr. Walker, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of
Hon. J. T. Roach

Mr. Jones of Angelina offered the following resolution:

Whereas, The Members of the House of Representatives have learned with deep regret, of the untimely passing of one of the former Members of the House, the Honorable J. T. Roach, of Lufkin, in Angelina County, on May 5, 1937. Dr. Roach was a valued Member of the Forty-fourth Legislature, and served his State with distinction, faithfully and well; therefore, be it

Resolved, That the Members of the Forty-fifth Legislature express their deepest regret and profound sorrow at the passing of this outstanding statesman and worthy citizen; and, be it further

Resolved, That the Chief Clerk be instructed to send appropriate flowers to the funeral of Dr. Roach, and also to send copies of this resolution to the family of the deceased; and, be it further

Resolved, That a copy of this resolution be spread on the Journal of today in memory of the deceased, and that when the House adjourns today, it do so in memory and respect of the Honorable J. T. Roach.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickison, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe, Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Read of Dallas, Rhodes, Riddle, Roark, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On motion of Mr. Harris of Dallas, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.